

## TITLE 16. BOARD OF PODIATRIC MEDICINE

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs hearing room, located at 2005 Evergreen Street, suite 1150, Sacramento, California, 95815-3831, at 9:00 a.m., on June 6, 2008. Written comments must be received by the Board at its office not later than 5:00 p.m. on June 2, 2008, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2470 of the Business and Professions Code and Section 11400.20 of the government Code, and to implement, interpret or make specific Sections 11400.20 and 11425.50(e) of the Government Code, the board is considering changes to Division 13.9 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### **Amend Section 1399.710 Disciplinary Guidelines.**

Business and Professions Code Sections 2470 authorizes the board to adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, regulations necessary to enable the board to carry into effect the provisions of law relating to the practice of podiatric medicine.

The Board adopted the disciplinary guidelines as an administrative regulation, which became effective October 1997. The regulation incorporated by reference the disciplinary guidelines entitled "A Manual of Disciplinary Guidelines with Model Disciplinary Orders," in order to improve the efficiency with which enforcement situations were managed. Subsequent revisions to the guidelines adopted by the Board were later incorporated by reference. The *Manual of Disciplinary Guidelines with Model Disciplinary Orders* was last revised September 2005.

On October 19, 2007, the Board approved to amend the *Manual of Disciplinary Guidelines with Model Disciplinary Orders*, specifically standard option 41, Notice to Employees.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement:

None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have not significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board of Podiatric Medicine has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Business:

The Board of Podiatric Medicine is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The Board of Podiatric Medicine has determined that the proposed regulations would not affect small businesses because it relates to enforcement activities against licensees who have violated the law.

CONSIDERATION OF ALTERNATIVES

The Board of Podiatric Medicine must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Podiatric Medicine has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from the Board of Podiatric Medicine at 2005 Evergreen Street, Suite 1300, Sacramento, California 95815-3831.

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below [or by accessing the website listed below].

## CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kathleen Cook  
Address: 2005 Evergreen Street, Suite 1300  
Sacramento, CA 95815-3831  
Telephone No.: 916-263-0315  
Fax No.: 916-263-2651  
E-Mail Address: Kathleen\_Cook@dca.ca.gov

The backup contact person is:

Name: Jim Rathlesberger  
Address: 2005 Evergreen Street, Suite 1300  
Sacramento, CA 95815-3831  
Telephone No.: 916-263-2650  
Fax No.: 916-263-2651  
E-Mail Address: Jim\_Rathlesberger@dca.ca.gov

Website Access: Material regarding this proposal can be found at  
[http://www.bpm.ca.gov/lawsregs/prop\\_regs07.shtml](http://www.bpm.ca.gov/lawsregs/prop_regs07.shtml)